



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,207	01/14/2002	Michael A. Blackstock	033370-003	6154

7590 02/24/2005  
Robert E. Krebs  
Thelen Reid & Priest, LLP  
P.O. Box 640640  
San Jose, CA 95164-0640

EXAMINER

CLARK, ISAAC R

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,207

Applicant(s)

BLACKSTOCK ET AL.

Examiner

Isaac R Clark

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/14/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/18/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-19 are presented for examination.

#### ***Priority***

2. The effective filing date for the subject matter in the pending claims in this application is 01/14/2002.

#### ***Drawings***

3. The Examiner contends that the drawings submitted on 01/14/2002 are acceptable for examination proceedings.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11, 13, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As per claim 1, the scope of claim 1 is unclear because step (c) indicates that participants having the session identifier will respond, but in step (b) the session identifier was included in the message sent by the inquiring participant to all network members. Further the claim does not describe or indicate a step that the session identifier is provided by any means other than receipt of the transmission from the inquiring participant. Thus it is unclear how participants are distinguished from the set of members of the computing network. For the purpose of examining the claim, the claim is interpreted mean that all members of the computing network have the identifier

Art Unit: 2154

after receiving the message described in step (b) and that any means of distinguishing between a participant and a non participant including election to participate by the recipient of the message described in step (b) of the claim reads on the claim.

7. Claims 2-10 are rejected based on their dependencies on claim 1.

8. As per claim 11, claim 11, recites the limitation "the collaborative network".

There is insufficient antecedent basis for this limitation in the claims.

9. The scope of claim 11 is unclear because the terms "members" and "participants" are used inconsistently to refer to both the set of network users and the set of users who are to be involved in the collaborative session.

10. As per claim 13, claim 13, recites the limitation "the electronic devices". There is insufficient antecedent basis for this limitation in the claims. For the purpose of examining the claim, the limitation "the electronic devices" is interpreted as "the computing devices".

11. Claims 17 and 19 recite the limitation "The system of claim 1". There is insufficient antecedent basis for this limitation in the claims because claim 1 is a method claim and does not describe a system. For the purpose of examining claims 17 and 19, these claims are interpreted as depending from claim 12 rather than claim 1.

12. Claim 18 is rejected based on its dependency from claim 17.

### ***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2154

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-4, 6, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Choung et al. (US Patent 6,295,550, hereinafter Choung).

15. As per claim 1, Choung discloses a method for identifying participants of a collaborative network from all members of a computing network, the method comprising the steps of: determining a unique session identifier for the participants of the collaborative network (col. 9, lines 12-14: session definition includes session name and details); transmitting, by an inquiring participant, a message having the session identifier to all members of the computing network (col. 9, lines 45-50); responding by participants having the session identifier to the transmitted message sent by the inquiring participant (col. 9, lines 52-55); and establishing communication between the participants that responded to the message and the inquiring participant such that the collaborative network is formed including the inquiring participant (col. 8, lines 5-10: session list includes leading terminal; col. 9, lines session list stored in collaborative database; col. 8, lines 18-27; collaborative session established between session members).

16. As per claim 2, Choung discloses the method of claim 1 further comprising the step of creating a participant list with the inquiring participant (col. 8, lines 5-10: session list includes leading terminal; col. 9, lines session list stored in collaborative database; col. 8, lines 18-27).

17. As per claim 3, Choung discloses the method of claim 2 wherein the participant list includes all of the participants of the collaborative network with the same session identifier (col. 9, lines 52-55; session members are chosen from participants with the session definition who identify themselves as participants).

18. As per claim 4, Choung discloses the method of claim 1, wherein the participants are computing devices (col. 3, lines 49-58: participant terminals execute computer software).

19. As per claim 6, Choung discloses the method of claim 1 wherein the collaborative network is capable of transmitting and receiving messages to and from computing devices (col. 8, lines 23-25).

20. As per claim 7, Choung discloses the method of claim 6 wherein the collaborative network is a wired or wireless network (Fig. 1; col. 3, lines 24-25).

21. As per claim 11, Choung discloses a method of identifying participants of a collaborative session communicating with an electronic network, the method comprising the steps of: establishing a session identifier for the collaborative session (col. 9, lines 12-14: session definition includes session name and details) transmitting the session identifier to all members of the electronic network (col. 9, lines 45-50); and finding participants of the electronic network having the same session identifier in order to identify members of the collaborative network (col. 9, lines 52-55; col. 9, lines 52-55; list of members generated from participants with the session definition who identify themselves as participants).

Art Unit: 2154

22. Claims 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Patton (US Published Application 2002/0196789 A1).

23. As per claim 12, Patton discloses a system for identifying members of a collaborative network, the system comprising: at least two computing devices (Fig. 1A-2, item 12) in electronic communication with one another (Paragraph 0076); a unique session identifier for distinguishing members of the collaborative network (Paragraphs 0092 and 0093: "contract identifier"); and an identification message having the unique session identifier that is sent between the two computing devices such that if the session identifier is the same between the two devices then the devices are members of the collaborative network (Paragraphs 0093 and 0094).

24. As per claim 13, Patton discloses the system of claim 12 wherein the electronic devices are in a wireless or wired network (Paragraph 0072).

25. As per claim 14, Patton discloses the system of claim 12 further comprising a participant list created on the computing devices in order to store members of the collaborative network (Paragraph 0195: in P2P topology group manager is on every computing device in group; Paragraph 0216: group manager maintains list of group members; Paragraphs 0211-0212: copy of group manager data on each of group members computers).

26. As per claim 15, Patton discloses the system of claim 12 wherein the computing devices are selected from the group consisting of PDA's, computers, and wireless devices (Paragraph 0065).

27. As per claim 16, Patton discloses the system of claim 12 wherein the at least two computing devices comprises a plurality of computing devices configured in an electronic network (Paragraph 0066).

***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choung et al. (US Patent 6,295,550, hereinafter Choung) as applied to claim 4 above, and further in view of Patton (US Published Application 2002/0196789 A1).

30. As per claim 5, Choung teaches method of claim 4 wherein the computing devices are computers, but Choung does not teach the computing devices consists of PDA's, computers, and wireless devices.

31. Patton teaches a collaborative network wherein the computing devices are selected from the group consisting of PDA's, computers, and wireless devices (Paragraph 0065).

32. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Choung and Patton to modify the computing network taught by Choung to include wireless devices and PDA's because they both deal with identifying participants in a collaborative network. Furthermore, the teaching of Patton to include wireless devices and PDA's among the computing devices



Art Unit: 2154

would allow efficient assembling of collaborative groups by including portable and unwired devices allowing the forming of ad hoc networks (Paragraph 0002).

33. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choung et al. (US Patent 6,295,550, hereinafter Choung) as applied to claim 1 above, and further in view of 'Official Notice'.

34. As per claim 8, Choung teaches the method of claim 1 including transmitting the session identifier by broadcasting (Abstract, lines 7-9). Choung does not explicitly teach that step (b) (transmitting, by an inquiring participant, a message having the session identifier to all members of the computing network) comprises transmitting a UDP datagram containing the session identifier to all members of the network.

However 'Official Notice' is taken by the examiner that use of UDP to implement broadcast messages was well known at the time the invention was made. It would have been obvious to one of ordinary skill in this art at the time the invention was made to transmit the session identifier as a UDP datagram because using UDP protocol would support transmitting the session identifier broadcast message as taught by Choung for efficient transmission of the identifier to a plurality of recipients.

35. As per claim 9, Choung and 'Official Notice' as applied to claim 8, teach the method of claim 8 wherein the datagram is a broadcast datagram.

36. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (US Published Application 2002/0196789 A1) as applied to claim 12 above, and further in view of 'Official Notice'.

Art Unit: 2154

37. As per claim 17 and 18, Patton fails to explicitly teach the system of claim 1 wherein the identification message is a UDP broadcast datagram. However 'Official Notice' is taken by the examiner that use of UDP to broadcast datagram traffic over an IP network was well known at the time the invention was made. It would have been obvious to one of ordinary skill in this art at the time the invention was made to transmit the session identifier as a UDP datagram because using UDP protocol would reduce the overhead required to transmit data to a plurality of members of a network resulting in more efficient transmission of the identifier to a plurality of recipients.

38. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choung et al. (US Patent 6,295,550, hereinafter Choung) as applied to claim 1 above, and further in view of Springmeyer et al. (US Published Application 2003/0131141, hereinafter Springmeyer).

39. As per claim 10, Choung does not explicitly teach the method of claim 1 further comprising the steps of: transmitting by each participant of the collaborative network a stay alive message; and removing a participant if the stay alive message is not received for a prescribed period of time.

40. Springmeyer teaches transmitting by participants in a collaborative network a stay alive message and removing a participant if the stay alive message is not received for a prescribed period of time (Figs. 49 and 51; Paragraphs 147-149).

41. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Choung and Springmeyer because they both deal with identifying communication partners in a network. Furthermore, the

Art Unit: 2154

teaching of Springmeyer would to remove participants after they have left the network would increase efficiency by allowing recovering resources associated with attempting to communicate with an absent participant.

42. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (US Published Application 2002/0196789 A1) as applied to claim 12 above, and further in view of Springmeyer et al. (US Published Application 2003/0131141, hereinafter Springmeyer).

43. As per claim 19, Patton does not explicitly teach the system of claim 12 further comprising a stay alive message transmitted between the electronic devices and operative to inform if a device has left the collaborative network.

44. Springmeyer teaches transmitting by participants in a collaborative network a stay alive message and removing a participant if the stay alive message is not received for a prescribed period of time (Figs. 49 and 51; Paragraphs 147-149).

45. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Patton and Springmeyer because they both deal with identifying communication partners in a network. Furthermore, the teaching of Springmeyer would to remove participants after they have left the network would increase efficiency by allowing recovering resources associated with attempting to communicate with an absent participant.

### ***Conclusion***

46. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show

Art Unit: 2154

the state of the art with respect to "Method for discovering and discriminating devices on local collaborative networks to facilitate collaboration among users".

- i. US 2002/0173319 Fostick, Gideon Using session identifier to identify conference participants
- ii. US 2002/0086665 Maggenti et al. Maintaining list of participants and UDP, Session Initiation Protocol

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC

LARRY D. DONAGHUE  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Larry D. Donaghue', is written over the printed name and title. The signature is stylized with loops and a long horizontal stroke at the end.